

**IN THE HIGH COURT OF UTTARANCHAL
AT NAINITAL
Criminal Jail Appeal No. 345 of 2004**

Mohd. Sajjad
W/o Mohd. Sadiq
R/o Village and P.S. Bajpur
Distt. Bhagalpur Bihar
At present R/o Rishikesh
District Dehradun ... Appellant

Versus

State ... opposite party

Sri A.K. Joshi (Amicus Curiae) learned counsel for the appellant
Sri Nandan Arya learned counsel for the State

Hon'ble B.C. Kandpal, J.

The appeal has been preferred by the appellant Mohd. Sajjad against the judgment and order dated 30.09.1997 passed by the District & Sessions Judge, Tehri Garhwal convicting and sentencing the appellant for seven years rigorous imprisonment under Section 376 I.P.C., rigorous imprisonment for five years under Section 363 I.P.C. and rigorous imprisonment for five years under Section 366 I.P.C. respectively.

The appellant filed the appeal from jail in the year 1999 against the aforesaid judgment and order.

The record shows that the appellant had never been granted bail by the appellate court during the pendency of the appeal.

The appeal was transferred from Allahabad High Court to this Court and this Court directed the learned A.G.A. to obtain the report with regard to the status of the sentence awarded against the appellant.

Today, the case was taken up and learned A.G.A. Sri Nandan Arya has informed to the Court that the appellant has already been released from jail on 17.11.2000 after serving and completing the period of sentence awarded to him.

In view of the facts and circumstances narrated above, the appeal is dismissed being infructuous.

(B.C. Kandpal, J.)

17.02.2005
ASWAL